

Joe Lombardo
Governor

Jhone M. Ebert
Superintendent of
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Notice of Workshop to Solicit Comments on Proposed Regulation

The Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, October 11, 2023**, via [Livestream Link](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

**9:15 A.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391—
ALTERNATIVE ROUTE TO LICENSURE AND EXAMS**

A copy of all materials relating to the proposal may be obtained at the workshop, on the [Meeting Materials page](#), by contacting the Nevada Department of Education, via email at geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at COPS@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before **Tuesday, October 10, 2023**.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: September 26, 2023

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.

I, Jhone M. Ebert, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation regarding alternate route to licensure and exams is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden.
3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.
4. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Jhone M. Ebert
Superintendent of Public Instruction

**SECOND REVISED PROPOSED REGULATION OF THE
COMMISSION ON PROFESSIONAL STANDARDS IN
EDUCATION**

LCB File No. R118-22

September 14, 2023

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1-3, NRS 391.019 and 391.032.

A REGULATION relating to educational personnel; revising requirements for obtaining certain provisional licenses to teach; renaming certain provisional licenses to teach as alternative provisional licenses; repealing certain provisions relating to provisional licensure; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations: (1) prescribing the qualifications for licensing teachers and other educational personnel; and (2) providing for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State. (NRS 391.019, 391.032) Existing regulations outline various requirements for obtaining a provisional license to teach. (NAC 391.057-391.0577) **Section 1** of this regulation renames this license as an alternative provisional license and authorizes the holder of such a license to teach students enrolled in: (1) a program of early childhood education; (2) kindergarten and grades 1 to 12, inclusive; or (3) special education. **Section 3** of this regulation repeals certain provisions relating to provisional licensure.

Existing regulations require an applicant for a provisional license to pass a competency test in reading, writing and mathematics, unless exempt. (NAC 391.057) **Section 1** removes this requirement for an alternative provisional license to teach.

Existing regulations authorize a holder of a provisional license to convert the provisional license to an initial license if certain conditions are met. (NAC 391.057) **Section 1** instead authorizes a holder of an alternative provisional license to convert the alternative provisional license to an initial license if certain conditions are met. **Section 1** adds a requirement that a holder of an alternative provisional license seeking to convert the alternative provisional license to an initial license submit proof satisfactory to the Superintendent of Public Instruction that the licensee has met certain prescribed qualifications. **Section 2** of this regulation makes conforming changes.

Existing regulations provide for the immediate invalidation of the provisional license of a holder who withdraws from a program for an alternative route to licensure. Existing regulations

additionally authorize such a holder to apply to the Office of Educator Licensure of the Department of Education for the reinstatement of the license, provided that certain conditions are met. (NAC 391.057) **Section 1** instead provides that the holder of an alternative provisional license that has been invalidated due to withdrawal from a program for an alternative route to licensure may apply only once to have such a license reinstated, so long as such an application is submitted within 1 year of the issuance of the initial license. **Section 1** additionally provides that the holder of an alternative provisional license may only apply for reinstatement if: (1) the holder is accepted by the same program provider in another area; or (2) the holder is accepted by another program provider for an alternative route to licensure offered by a qualified provider and pays a certain fee.

Section 1. NAC 391.057 is hereby amended to read as follows:

391.057 1. The Superintendent of Public Instruction shall issue ~~fa provisional license to teach elementary education, a provisional license to teach pupils in a program of early childhood education, a provisional license to teach secondary education, a~~ *an alternative* provisional license to teach pupils enrolled in a program of early childhood education , ~~for~~ in kindergarten and grades 1 to 12, inclusive, ~~fin a specific area described in subsection 1 of NAC 391.0573 or a provisional license to teach special education to pupils enrolled in a program of early childhood education or in kindergarten and grades 1 to 12, inclusive, in a category described in subsection 2 of NAC 391.0573~~ *or in special education* to a person who submits an application which is accompanied by proof satisfactory to the Superintendent of Public Instruction that the applicant:

- (a) Holds a bachelor’s degree from a postsecondary institution that is regionally accredited;
- (b) ~~Passed the competency test in basic reading, writing and mathematics that is required by NAC 391.036 or is eligible for an exemption from that test;~~
- ~~—(e)~~ Has been accepted by a qualified provider for enrollment in a program for an alternative route to licensure; and
- ~~+(d)~~ (c) Complies with the instructional and training policies and procedures of the qualified provider.

2. ~~{In addition to the requirements of subsection 1, an applicant for a provisional license to teach secondary education or to teach pupils enrolled in a program of early childhood education or in kindergarten and grades 1 to 12, inclusive, in a specific area described in subsection 1 of NAC 391.0573, other than an applicant to teach pupils special education in a category described in subsection 2 of NAC 391.0573, must:~~

~~—(a) Hold a major or minor in the applicant’s desired area of licensure; or~~

~~—(b) Pass a competency test required by the Commission in the subject matter of the area for which the applicant is seeking a provisional license or provide to the Department proof that he or she is eligible for an exemption from that test.~~

~~—3. ~~A~~ *An alternative* provisional license issued pursuant to this section:~~

(a) Authorizes the holder of the license to teach or to serve as a substitute teacher in a county school district, a charter school or a university school for profoundly gifted pupils;

(b) Becomes valid on the date on which the holder of the license satisfies all the requirements of subsection 1 ; ~~{and, if applicable, the requirements of subsection 2;}~~

(c) Except as otherwise provided in subsection ~~{4,}~~ 3, is valid for not more than 3 years;

(d) Is not renewable; and

(e) May be converted to an initial license after the completion of at least 2 full school years if the licensee has:

(1) Received at least one evaluation rating designating ~~{his or her}~~ *the* overall performance *of the licensee* as highly effective or effective during each such school year; ~~{and}~~

(2) Completed all academic requirements prescribed by this chapter for the issuance of an initial license ~~{}~~ ;

(3) Submitted proof satisfactory to the Superintendent of Public Instruction that the

licensee passed the competency testing required by subparagraphs (1) and (2) of paragraph (a) of subsection 1 of NAC 391.036; and

(4) Submitted proof satisfactory to the Superintendent of Public Instruction that the licensee:

(I) Passed the competency testing required by subparagraph (3) of paragraph (a) of subsection 1 of NAC 391.036; or

(II) If the licensee holds a secondary alternative provisional license, holds a bachelor's degree or more advanced degree with a major in the area of endorsement on the license.

~~4.~~ **3.** If the holder of ~~an~~ *an alternative* provisional license issued pursuant to this section withdraws from or is no longer enrolled in a program for an alternative route to licensure, the qualified provider of the program in which the holder was enrolled must, not later than 15 days after the holder withdraws or otherwise ceases to be enrolled, notify the Office of Educator Licensure of the Department of the name and license number of the holder, the date on which the holder withdrew or otherwise ceased to be enrolled in the program and the reason that the holder withdrew or ceased to be enrolled. The *alternative* provisional license of the holder automatically becomes invalid immediately upon the receipt of such notification by the Office of Educator Licensure.

~~5.~~ **4.** The holder of ~~an~~ *an alternative* provisional license that has become invalid pursuant to subsection ~~4.~~ **3** may apply to the Office of Educator Licensure of the Department for the reinstatement of ~~this or her~~ *the* license ~~before the expiration date of the license~~ *within 1 year of the issuance of the initial license* if ~~he or she~~ *the holder*:

(a) ~~{Has not previously applied for the reinstatement of the license after the date on which the license became invalid;}~~ *Is accepted by the same program provider in another area; or*

(b) Is accepted by another program *provider* for an alternative route to licensure offered by a qualified provider ~~{}~~ and

~~{(e) Pays}~~ *pays* the fee required by NAC 391.045.

↪ An alternative provisional license may be reinstated pursuant to this subsection only once.

Sec. 2. NAC 391A.050 is hereby amended to read as follows:

391A.050 1. A teacher program provider annually may apply for a grant from the Account on a form prescribed by the Department. If a teacher program provider is awarded a grant of money from the Account, the teacher program provider shall use the money to award Teach Nevada Scholarships to students on a per semester basis.

2. Each Teach Nevada Scholarship must be awarded in an amount equal to the cost of tuition, books and fees, not to exceed the amount specified in subsection 2 of NRS 391A.585. If insufficient money is available to award to a student a Teach Nevada Scholarship in such an amount, a teacher program provider shall not award a Teach Nevada Scholarship to that student. The money received for a Teach Nevada Scholarship may be used only to pay the costs of tuition, books and fees, and must be awarded pursuant to subsection 3 of NRS 391A.585.

3. Each semester, each teacher program provider that is awarded a grant of money pursuant to NRS 391A.580 shall:

(a) On or before a date determined by the Department, submit to the Department, on a form prescribed by the Department, a list of current scholarship recipients. Such a list must include, without limitation, the following information for each scholarship recipient:

(1) The first and last name of the scholarship recipient;

- (2) Whether the scholarship recipient seeks to obtain a license to teach:
- (I) Elementary education;
 - (II) Secondary education;
 - (III) Pupils in a program of early childhood education; or
 - (IV) Special education to pupils in prekindergarten through grade 12;
- (3) If the scholarship recipient seeks to obtain a license to teach secondary education, the subject area in which he or she intends to teach;
- (4) The anticipated date on which the scholarship recipient will meet the requirements for the issuance of ~~fa conditional~~ *an alternative provisional* license pursuant to NAC 391.057;
- (5) The anticipated date on which the scholarship recipient will complete the program for which he or she was awarded the scholarship and will meet the requirements for the issuance of an initial license to teach pursuant to *paragraph (e) of subsection 2 of* NAC ~~391.0575 or 391.0577;~~ *391.057*; and
- (6) The amount of the scholarship awarded for the semester for which the list is issued and the total amount of scholarship money received by the scholarship recipient to date.
- (b) Notify the Department of any money that was received as a grant from the Account and was not used to award Teach Nevada Scholarships.
- (c) On or before a date determined by the Department, transfer to the State Board any money that was not used to award Teach Nevada Scholarships.

Sec. 3. NAC 391.0573, 391.0575 and 391.0577 are hereby repealed.

TEXT OF REPEALED SECTIONS

391.0573 Provisional licensure: Areas of instruction to teach certain pupils; categories of instruction to teach special education to certain pupils.

1. The specific areas for which the Superintendent of Public Instruction may issue a provisional license to teach pupils enrolled in a program of early childhood education or in kindergarten and grades 1 to 12, inclusive, pursuant to NAC 391.057 include, without limitation:

- (a) Music;
- (b) Art;
- (c) Physical education; and
- (d) Any other specific area approved by the Superintendent of Public Instruction.

2. The categories for which the Superintendent of Public Instruction may issue a provisional license to teach special education to pupils enrolled in a program of early childhood education or in kindergarten and grades 1 to 12, inclusive, pursuant to NAC 391.057 are:

- (a) Hearing impairments;
- (b) Special education generalist;
- (c) Intellectual disabilities and moderate to intense needs for assistance and intervention;
- (d) Pupils who have disabilities and who are enrolled in a program of early childhood education;

- (e) Adapted physical education to pupils who have disabilities;
- (f) Speech and language impairments;
- (g) Autism; and
- (h) Visual impairments.

391.0575 Provisional licensure: Requirements to apply for initial license to teach secondary education or to teach pupils enrolled in early childhood education or kindergarten and grades 1 through 12 in specific area.

1. A person who is issued a provisional license pursuant to NAC 391.057 may apply for an initial license to teach secondary education or to teach pupils enrolled in a program of early childhood education or in kindergarten and grades 1 to 12, inclusive, in a specific area listed in subsection 1 of NAC 391.0573, as applicable, if the applicant:

(a) Successfully completes at least 14 semester credits of course work in pedagogy provided by a qualified provider for a program for an alternative route to licensure, consisting of:

(1) Three semester credits in the methods and materials:

(I) For teaching in the applicant's desired area of licensure at the secondary grade level;

or

(II) For teaching pupils enrolled in a program of early childhood education or in kindergarten and grades 1 to 12, inclusive, in a specific area listed in subsection 1 of NAC 391.0573; and

(2) Any other courses in education approved by the Commission at the grade level for which the applicant is seeking licensure;

(b) Submits proof satisfactory to the Superintendent of Public Instruction that the applicant passed the competency test in basic reading, writing and mathematics that is required by NAC 391.036 or is eligible for an exemption from that test; and

(c) Pays the required fee pursuant to NAC 391.045.

2. A person who has completed the equivalent of an alternative route to licensure program in another state may obtain a license as if such person has completed an approved alternative route to licensure program of this State if he or she is:

(a) A member of the Armed Forces of the United States;

(b) The spouse of a member of the Armed Forces of the United States; or

(c) A veteran of the Armed Forces of the United States.

391.0577 Provisional licensure: Requirements to apply for initial license to teach elementary education, to teach pupils in program of early childhood education or to teach special education to pupils in program of early childhood education or in kindergarten and grades 1 through 12 in certain categories.

1. A person who is issued a provisional license pursuant to NAC 391.057 may apply for an initial license to teach elementary education, to teach pupils in a program of early childhood education or to teach special education to pupils enrolled in a program of early childhood education or in kindergarten and grades 1 to 12, inclusive, in a category listed in subsection 2 of NAC 391.0573, as applicable, if the applicant:

(a) Successfully completes the education and training required by the qualified provider for the program for an alternative route to licensure, including, without limitation, the supervised, school-based experience provided by the qualified provider;

(b) Submits proof satisfactory to the Superintendent of Public Instruction that the applicant passed the competency test in basic reading, writing and mathematics that is required by NAC 391.036 or is eligible for an exemption from that test; and

(c) Pays the fee required pursuant to NAC 391.045.

2. A person who has completed an alternative route to licensure program in another state may obtain a license as if such person has completed an approved alternative route to licensure program of this State if he or she is:

(a) A member of the Armed Forces of the United States;

(b) A spouse of a member of the Armed Forces of the United States;

(c) A veteran of the Armed Forces of the United States; or

(d) A spouse of a veteran of the Armed Forces of the United States.